IT IS SO ORDERED.

Dated: 19 February, 2020 12:42 PM



IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF OHIO

n re: ERNEST LEE PHILLIPS II) Case No. 19-16922-jps SANDRA DELORES PHILLIPS) Chapter 13 Proceedings Debtor(s)) Judge Jessica E. Price Smith

CONFIRMATION ORDER

The Chapter 13 plan in this case came on for confirmation at a hearing before the Court. A copy of such plan, together with the applicable amendments or modifications (the "Plan"), is attached to this Order. Based upon the papers filed in this case, information presented by the Chapter 13 Trustee ("Trustee") and such other matters, if any, presented by the Debtor or Debtors ("Debtor"), Debtor's counsel, any objector or any other interested party, the Court finds that:

- 1. Notice of the confirmation hearing was duly given.
- 2. The Plan complies with applicable requirements of 11 U.S.C. §§ 1322 and 1325.
- 3. Any and all objections filed by the Trustee have been resolved.

IT IS THEREFORE ORDERED THAT:

1. The Plan is confirmed.

- 2. The Debtor shall, until further order of the Court, make the periodic payments called for in the Plan to the Trustee. Except as otherwise permitted, such payments shall be made pursuant to order of the Court on the Debtor's employer.
- 3. The Debtor shall not incur additional debt exceeding \$1,000 in the aggregate without notice to the Trustee and the approval of the Court.
- 4. The Debtor shall not transfer any interest in real property without the approval of the Court.
- 5. Unless the Plan provides otherwise in Part 2.3 or Part 8, the Debtor shall pay over to the Trustee each year during the pendency of the case any and all federal income tax refunds. The Debtor may retain from any federal income tax refund either \$1,000 from a single tax return (\$2,000 from a joint tax return) or the sum of any earned income tax credit and child tax credits, whichever is greater.
- 6. Secured creditors shall retain their liens. If this case is either dismissed or converted to a Chapter 7 case, the property vesting in the Debtor by reason of this Confirmation Order shall remain subject to the liens existing at the time of the filing of the case subject to adjustments in respect of amounts paid under the Plan.
- 7. After confirmation of the Plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney's fees as allowed under applicable rules and guidelines; (iii) conduit payments as provided for in Part 3.1; (iv) monthly payments on mortgage arrearages as provided for in Part 3.1 and monthly payments on claims as provided for in Parts 3.2, 3.3, 3.4 and, if so specified, Part 6.1 (if no fixed payment on an executory contract arrearage is specified, then the arrearage will be paid on a *pro rata* basis); (v) payments to priority creditors as provided for in Part 4, to be made on a *pro rata* basis; and (vi) general unsecured claims.
- 8. Any creditor seeking to file an unsecured deficiency claim as a result of collateral surrendered in Part 3.5 must do so no later than 90 days after this Confirmation Order is entered. If the collateral has not been liquidated, the deficiency claim is to be estimated.
- 9. The attorney for the Debtors is allowed a fee of \$3,000.00, of which \$435.00 has been paid. The balance of \$2,565.00 shall be paid by the Trustee from the monies received under the Plan over 12 months, unless a longer period is needed because the plan payment is too small to allow for payment over 12 months.

- 10. The administrative expenses of the Trustee shall be paid in full pursuant to 11 U.S.C. §§ 503(b) and 1326(b)(2) and 28 U.S.C. § 586(e)(1)(B).
- 11. If the case is dismissed by the Court or by the Debtor under 11 U.S.C. § 1307, all funds remaining in the hands of the Trustee at the time of dismissal shall be paid to the Chapter 13 creditors pursuant to the terms of the Plan. If the case is converted to Chapter 7 under 11 U.S.C. § 1307, all funds remaining in the hands of the Trustee at the time of conversion shall be returned to the Debtor after deducting the Trustee's authorized percentage fee.
- 12. A debtor may request entry of an order declaring that a secured claim has been satisfied and that the lien has been released under the terms of the confirmed plan by filing and serving a motion under Bankruptcy Rule 5009(d), generally at the time the case is being closed. See 2017 Committee Note to Bankruptcy Rule 5009(d).

By submitting this form, the Trustee certifies that the wording of this form is identical in all respects to the form confirmation order adopted by Judge Harris and Judge Price Smith in a Memorandum dated January 17, 2018, and as modified in the memorandum dated February 8, 2019.

Submitted by:

/S/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)
Chapter 13 Trustee
200 Public Square, Suite 3860
Cleveland OH 44114-2321
Phone (216) 621-4268 Fax (216) 621-4806
ch13trustee@ch13cleve.com

SERVICE LIST

Lauren A. Helbling, Chapter 13 Trustee (served via ECF)

Office of the U.S. Trustee (served via ECF)

PATRICK MILLER, Attorney for Debtor(s) (served via ECF)

ERNEST LEE PHILLIPS II & SANDRA DELORES PHILLIPS, Debtor(s) 20404 ALAMEDA PARKWAY HIGHLAND HILLS, OH 44128

	formation to identify	your case:						
Debtor 1	Ernest Phillips							
	First Name Sandra Phillips	Middle Name	Last Name			[☐ Check if this is plan, and list b	
(Spouse, if filing)	First Name	Middle Name	Last Name				sections of the been changed	e plan that have
United States B	ankruptcy Court for the:	Northern Distr	ict of <u>Ohio</u> (State)					
Case number	(If known)	ck or tap here	to enter text					
Official I	Form 113	<u></u>						
Chapt	er 13 Plan	1						12/17
Part 1:	Notices							
To Debtors:	that the option is	appropriate in yo	ny be appropriate in some our circumstances or that s may not be confirmable	it is permis				
			ou must check each box the					
To Creditors	-	•	s plan. Your claim may be		nodifie	d, or eliminated	•	
		is plan carefully ar	nd discuss it with your attor					ot have an
	least 7 days before Court may confirm	the date set for the this plan without for	your claim or any provision ne hearing on confirmation, urther notice if no objection order to be paid under any	unless other to confirmat	wise o	rdered by the Bar	kruptcy Court. The	e Bankruptcy
		the following iten	icular importance. <i>Debtors</i> ns. If an item is checked an.					
	limit on the amount		m, set out in Section 3.2, cured creditor	which may	result	in a partial	☐ Included	☐ Not include
	voidance of a judicia ection 3.4	al lien or nonposs	sessory, nonpurchase-mo	ney securit	y inter	est, set out in	⊠ Included	☐ Not include
1.3 No	onstandard provisio	ns, set out in Par	t 8				⊠ Included	☐ Not include
	1							
Part 2:	Plan Payments	and Length of I	Plan					
	s) will make regular	· •			£	150		l ma a matha a
\$ 790.0	J0	per	month		for for	53		months
\$		per			for			months
	tional lines if needed. than 60 months of pa		ied, additional monthly pay	ments will be	e made	to the extent nec	essary to make the	e payments to
creditors	s specified in this plar	i.					•	paymonto to
2.2 Regular	payments to the tru	istee will be made	e from future income in th	ne following	mann	er: Check all tha	t apply.	
z.z rtogului								
_	or(s) will make payme	nts pursuant to a բ	payroll deduction order.					

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☐ Other (specify method o	of payment): <u>Click or tap here</u>	to enter text				
2.3 Income tax refunds. Ched	ck one.					
Debtor(s) will retain any	income tax refunds received during	ng the plan term.				
()	e trustee with a copy of each incon e tax refunds received during the p		uring the plan term	within 14 days o	of filing the return	and will turn
Debtor(s) will treat incor	ne tax refunds as follows: Pursu	uant to order of o	confirmation			
2.4 Additional payments. Ch	eck one.					
None. If "None" is check	ked, the rest of § 2.4 need not be	completed or reprod	duced.			
` '	itional payment(s) to the trustee fr	•	as specified below.	Describe the so	urce, estimated a	mount, and date
2.5 The total amount of estim	ated payments to the trustee pr	rovided for in §§ 2.	1 and 2.4 is \$ <u>41,</u> 8	<u>870.00</u>		
Part 3: Treatment of	Secured Claims					
3.1 Maintenance of payments	and cure of default, if any. Ch	eck one.				
_	sed, the rest of § 3.1 need not be o		luced			
The debtor(s) will maintal applicable contract and notice debtor(s), as specified below. the rate stated. Unless otherw 3002(c) control over any conting proof of claim, the amounts sthen, unless otherwise ordere collateral will no longer be tree.	ain the current contractual installmed in conformity with any applicab. Any existing arrearage on a listewise ordered by the court, the amounts listed below as to thated below are controlling. If relied by the court, all payments under atted by the plan. The final column	ent payments on the le rules. These pay de claim will be paid bunts listed on a prone current installment from the automatic this paragraph as	e secured claims listerments will be disbut in full through disbut of of claim filed befat payment and arrect stay is ordered as to that collateral wi	rsed either by thursements by thore the filing dearage. In the about to any item of collicease, and all	ne trustee or direct e trustee, with into adline under Bank osence of a contra- collateral listed in to secured claims b	ctly by the erest, if any, at cruptcy Rule ary timely filed this paragraph, eased on that
Name of creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
		\$ Disbursed by: Trustee Debtor(s)	\$	%	\$	\$
		\$ Disbursed by: Trustee Debtor(s)	\$	%	\$	\$
Insert additional claims as need	ded.			·!		•
3.2 Request for valuation of s	security, payment of fully secure	ed claims, and mod	dification of under	secured claims	s. Check one.	
None. If "None" is checked	ed, the rest of § 3.2 need not be co	ompleted or reprodu	ıced.			
The remainder of this parag	raph will be effective only if the	applicable box in	Part 1 of this plan	is checked.		
below, the debtor(s) state that of governmental units, unless	at the court determine the value of the value of the secured claim sh otherwise ordered by the court, the er any contrary amount listed belo	nould be as set out in ne value of a secure	n the column heade d claim listed in a p	ed <i>Amount of</i> se roof of claim file	ecured claim. For seed in accordance v	secured claims with the
amount of a creditor's secured	nim that exceeds the amount of the diclaim is listed below as having needs otherwise ordered by the court paragraph.	o value, the creditor	's allowed claim wil	I be treated in it	s entirety as an u	nsecured claim

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The holder of any claim listed below as having value in the column headed Amount of secured claim will retain the lien on the property interest of the

Chapter 13 Plan

debtor(s) or the estate(s) until the earlier of:

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(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
Cuyahoga County Treasurer (Ad Valorem tax principal)	\$15,288.78	20404 Alameda Parkway Highland Hills, OH 44128	\$87,800.00	\$0.00	\$15,288.76	12.00%	\$331.26	\$19,875.42
Cuyahoga County Treasurer (Ad Valorem tax Interest and Penalty)	\$5,920.02	20404 Alameda Parkway Highland Hills, OH 44128	\$87,800.00	\$19,875.42	\$5,920.02	0.00%	\$98.67	\$5,920.02
TLOA Acquisitions (S2014-4-29, S2012-1- 3079, B2012-1-1811)	\$6,700.00	20404 Alameda Parkway Highland Hills, OH 44128	\$87,800.00	\$25,795.44	\$6,700.00	18.00%	\$161.92	\$9,715.00
Ocwen Loan Servicing	\$0.00	20404 Alameda Parkway Highland Hills, OH 44128	\$87,800.00	\$37,404.86	\$0.00	0.00%	\$0.00	\$0.00

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 50	. Check one.
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•	2.0 Godaled claims excluded from 11 G.G.G. 3 GOD. Griden Grid.
	None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
	☐ The claims listed below were either:
	(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
	(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.
	These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly

Name of creditor	Conateral	Amount of claim	interest rate	payment	payments by trustee
		\$ Disbursed by: Trustee Debtor(s)	%	\$	\$
		\$ Disbursed by: Trustee Debtor(s)	%	\$	\$

Insert additional claims as needed.

•		1 :		-:		061	
٥.	4	LIE	n av	olda	nce.	Check	one.

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance		Treatment of remaining secured claim
Name of creditor Midland Funding	a. Amount of lien b. Amount of all other liens	\$ 1,894.42 \$ 35,510.44	Amount of secured claim after avoidance (line a minus line f)

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Collateral 20404 Alameda Parkway Highland Hills, OH 44128	c. Value of claimed exemptions	+ \$ 145,425.00	Interest rate (if applicable)
	d. Total of adding lines a, b, and c	\$ 182,829.86	%
Lien identification (such as judgment date, date of lien recording, book and page number)	e. Value of debtor(s)' interest in property	- \$ 87,800.00	Monthly payment on secured claim \$
	f. Subtract line e from line d.	\$ 95,829.86	Estimated total payments on secured claim \$
	Extent of exemption impairment (Ch	neck applicable box):	
	□ Line f is equal to or greater the line f is equal to or greater	nan line a.	
	The entire lien is avoided. (Do not c	complete the next column.)	
	Line f is less than line a.		
	A portion of the lien is avoided. (Con	mplete the next column.)	

Insert additional claims as needed.

2	_	Currender	~ 6	colleteral	Check one
.5		Surrenger	OT	collateral	Uneck one

П	None	If "Nono" is	chocked	the rest o	f & 2 5 nc	and not bo	completed	or reproduced
ш	None.	it ivone is	: cneckea.	tne rest o	0 3.5 NE	ea not be	сотполетеа о	or reproduced.

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral
Santander Consumer USA	2007 Cadillac Escalade

Insert additional claims as needed.

Part 4:

Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be $\underline{5.5}$ % of plan payments; and during the plan term, they are estimated to total \$ $\underline{2,149.15}$.

4.3 Attorney's fees

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$2,565.00

4.4	Priority claims	other than	attorney's	fees and those	treated in 8	4.5.	Check one

X	None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The debtor(s) estimate the total amount of other priority claims to be \$ <u>Click or tap here to enter text</u>.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount. Check one.

$\overline{}$		
IXI	None If "None" is checked the rest of 8	§ 4.5 need not be completed or reproduced.

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).

	Name of creditor				Amo	unt of claim to be	paid		
	Insert additional claims a	as needed.							
Par	t 5: Treatment of	Nonpriority	Unsecured Clair	ms					
5.1 N	onpriority unsecured cla	ims not sep	arately classified.						
A	Allowed nonpriority unsecu	red claims th	at are not separately		e paid,	pro rata. If more th	an one option is c	checked, the opti	on
\boxtimes	The sum of \$ <u>1,000.00</u> .								
\boxtimes	10.00 % of the total amo	unt of these o	claims, an estimated	payment of \$ <u>1,</u>	000.0	<u>00</u> .			
	The funds remaining after	r disbursemei	nts have been made	to all other cred	itors p	rovided for in this p	lan.		
	ne estate of the debtor(s) water text. Regardless of the					•			
5.2 M	laintenance of payments	and cure of	any default on non	priority unsecu	red cl	aims. Check one			
\boxtimes	None. If "None" is checke	ed, the rest o	f § 5.2 need not be c	ompleted or rep	roduce	ed.			
belo	The debtor(s) will mainta last payment is due after to bw. The claim for the arrea ments disbursed by the tru	the final plan Irage amount	payment. These payr will be paid in full as	ments will be dis specified below	sburse	d either by the trust	tee or directly by the	he debtor(s), as	specified
Name	of creditor		Current installme	nt payment	Amo	unt of arrearage to	o be paid	Estimated to payments by	
			\$ Disbursed by: Trustee Debtor(s)		\$			\$	
Inse	ert additional claims as nee	eded.							
5.3 O	ther separately classified	I nonpriority	unsecured claims.	Check one.					
\boxtimes	None. If "None" is checke	ed, the rest o	f § 5.3 need not be c	ompleted or rep	roduce	ed.			
	The nonpriority unsecure	ed allowed cla	aims listed below are	separately clas	sified a	and will be treated a	as follows.		
Na	ame of creditor		sis for separate clas atment	ssification and		Amount to be paid on the claim	Interest rate (if applicable)	Estimated to amount of pa	
					\$		%	\$	
	et 6: Executory Cor		l Unexpired Leas	es					
a	he executory contracts a and unexpired leases are None. If "None" is checke	rejected. Cl	neck one.				specified. All oth	er executory co	ntracts
	Assumed items. Current contrary court order or rule tee rather than by the debt	e. Arrearage	•						-
	e of creditor	Description	n of leased r executory	Current installment payment		Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments by trustee	
				¢		<u> </u>		¢	1

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Disburse	ed by:						
☐ Trust☐ Debt							
Insert additional contracts or leases as needed.	31(0)						
Part 7: Vesting of Property of the Estate							
7.1 Property of the estate will vest in the debtor(s) upon Check the a	onlicable box:						
□ plan confirmation.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
entry of discharge.							
□ other <u>Click or tap here to enter text</u>							
Part 8: Nonstandard Plan Provisions							
8.1 Check "None" or List Nonstandard Plan Provisions							
None. If "None" is checked, the rest of Part 8 need not be complete	d or reproduced.						
Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth	•	sion is a provision n	ot otherwise includ	ded in the			
Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.							
The following plan provisions will be effective only if there is a check	in the box "Included" in § 1	.3.					
Applicable commitment period is 36 months.							
The lien held by Ocwen Loan Servicing against debtors' re		d in a court proce	eeding by the				
mortgagor. The lien release was not recorded with Cuyahoga County.							
Part 9: Signature(s):							
o.g. a.t.a. o(o).							
0.4.01 (
9.1 Signatures of Debtor(s) and Debtor(s)' Attorney							
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth	erwise the Debtor(s) signatu	res are optional. The	e attorney for the l	Debtor(s), if			
, , , , ,	nerwise the Debtor(s) signatu.	res are optional. Th	e attorney for the I	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below.	v		e attorney for the I	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below.			e attorney for the l	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below. // // // // // // // // // // // // /	/s/ Sandra Phillips		e attorney for the I	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below. /s/ Ernest Phillips Signature of Debtor 1 Executed on	★/s/ Sandra Phillips Signature of Debtor 2 Executed on11/05/2019		e attorney for the I	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below.	/s/ Sandra Phillips Signature of Debtor 2		e attorney for the I	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below.	★/s/ Sandra Phillips Signature of Debtor 2 Executed on11/05/2019		e attorney for the I	Debtor(s), if			
If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; oth any, must sign below.	/s/ Sandra Phillips Signature of Debtor 2 Executed on _11/05/2019 MM / DD / YYYY		e attorney for the I	Debtor(s), if			

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113 other than any nonstandard provisions included in Part 8.

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Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$0.00
b. Modified secured claims (Part 3, Section 3.2 total)	\$35,510.44
c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$0.00
d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$0.00
e. Fees and priority claims (Part 4 total)	\$4,714.15
f. Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$1,000.00
g. Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$0.00
h. Separately classified unsecured claims (Part 5, Section 5.3 total)	\$0.00
i. Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$0.00
j. Nonstandard payments (Part 8, total)	\$0.00
Total of lines a through j	\$41,224.59

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